



Michigan Supreme Court

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Good morning, and thank you for this opportunity to address you.

You may recall that, two years ago, SOCC proposed a three percent judicial pay raise for 2013 and another three percent for 2014. At that time, the Supreme Court, joined by all three judicial associations and the State Bar, responded with a more elegant version of "Thanks, but no thanks."

Now here we are two years later, and on behalf of the trial judges, SCAO is asking you to make the same recommendation again. I know you do not make a recommendation for trial judges' salaries, but their salaries are a percentage of the Supreme Court Justices' salaries so what you recommend for the Justices is important to the trial judges.

So what has changed since 2011?

For one thing, Michigan's economy. Economic conditions have improved since SOCC last proposed a raise for judges. You'll recall that, in responding to SOCC's 2011 recommendation, the Supreme Court and the judicial groups cited the poor economy.

There are other changes. Indeed, in the last two years Michigan's trial bench has experienced a real sea-change in the way it is being structured, in its size, and in its responsibilities to improve services to the public. While all this is going on, trial judges' compensation continues to stagnate, as it has for 11 years. As you know, the last pay raise the trial judges received was in January 2002.

What are these changes?

Let's begin with the unprecedented, and successful, effort of the past two years to right-size the Michigan judicial branch. At the Supreme Court's and SCAO's urging, and with the support of all the judicial associations, the Legislature passed bills to eliminate 36 unnecessary trial court judgeships. We have saved \$1.6 million annually so far and will save the state about \$6.4 million per year when the cuts are complete. No other state has reduced the size of their trial bench by more than one or two.

Second, we are streamlining the way we work. Traditionally circuit, probate, and district courts worked separately, each in its own jurisdictional silo, without coordinating resources or workloads among the courts. It was not uncommon to have circuit, probate, and district courts all housed in the same building, with each having its own separate court administrator and duplicate staffs. Each court – no matter whether it consisted of 60 judges or just one – also had its own chief judge.

All that is changing rapidly. In the past two years, the Supreme Court and SCAO have strongly promoted many forms of consolidation. Concurrent jurisdiction is a way for circuit, probate, and district courts within a judicial circuit to share, for example, the same administrative staff, or to distribute caseload evenly among all the judges so cases are processed promptly in all courts. In 2011, the Supreme Court appointed 34 chief judges to each oversee more than one court to help ensure that economies could be achieved by decision-making that considered the needs of the entire judicial circuit rather than those of an individual court. Last year, the Governor signed Public Act 338 to make it easier for courts to adopt concurrent jurisdiction plans; the Supreme Court and SCAO advocated for that legislation.

Third, the trial courts are going to measure, and publicly report on, their own performance. Last year, the Supreme Court and SCAO launched an initiative styled "Courts working smarter for a better Michigan." Briefly, "Courts working smarter" is a double-pronged effort: The first prong is using metrics – for such items as time to disposition, juror utilization rates, access and fairness – to assess a court's performance. The court then knows where it is doing well and where it could improve. The second prong is innovation – the court changing the way it works to address the weaker areas. Performance measurement is a proven strategy, not only in the private sector but also in government, for improving public

service and driving innovation. Our performance measures were developed after months' worth of focus groups, feedback, and analysis by judges, court administrators, prosecutors, and many others across Michigan. We will begin posting some performance measures online next month.

Another change is the increase in problem-solving courts. Every problem-solving court has a judge who has volunteered for this extra duty. We want to promote these programs because they have a proven record of success: they reduce recidivism and are far less expensive alternatives to incarceration. As of last month, we have about 170 problem-solving court programs in Michigan, including drug courts, sobriety courts, veterans' treatment courts, mental health courts, family dependency courts, parenting courts, and a lot more. These programs all address the underlying cause of the offense through treatment and other services. I should also point out that these programs demand a lot of time and hard work from the judges.

In summary, our trial bench is working hard, is changing in profound ways, and is becoming ever more effective, efficient, and better at serving the public. Yet at the same time that the trial bench is moving fast forward, its pay has stagnated for over a decade. Even if SOCC proposes, and the Legislature approves a 3 and 3 increase, that first raise will not take effect until 2015, so the trial judges will have been 13 years without a raise. I would point out that trial courts in other states have received a total of about 250 raises during the same period that compensation for Michigan's trial bench has remained unchanged.

I would be happy to answer any questions you have. Thank you for your attention.